

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

**Carol G. Higgins, aka known as  
Madam G. Zagato,**

**Plaintiff,**

**v.**

**Adrian Black, aka known as  
Adriana Caligari,**

**Defendant.**

**C/A No.3:06-2193-CMC-BM**

**O R D E R**

Plaintiff filed this action, *pro se*, alleging copyright infringement against Defendant who, apparently, is a citizen of Rome, Italy. Plaintiff filed a motion for default judgment against Defendant on March 15, 2007, and the Clerk issued an entry of default against Defendant on March 15, 2007. The question of proper service of the summons and complaint is at issue and because Plaintiff is a *pro se* litigant, in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e), DSC, this matter was referred to United States Magistrate Judge Bristow Marchant for a Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report and Recommendation only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416

F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

The Magistrate Judge has filed his Report and has recommended that Plaintiff’s motion for default judgment be denied, and that the United States Marshal be directed to either re-contact the Italian Central Authority to ascertain the status of their service attempt, or in the alternative attempt service on Defendant by certified mail. The Magistrate Judge advised the parties of their right to file objections to the Report and the serious consequences if no objections were filed. Plaintiff has filed no objections and the time for doing so has expired.

After reviewing the complaint, the motion, the entire record, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

**IT IS HEREBY ORDERED** that Plaintiff’s motion for default judgment is **denied** and the entry of default is **vacated**; and it is

**FURTHER ORDERED** that the United States Marshal is directed to either re-contact the Italian Central Authority to ascertain the status of their service attempt or, in the alternative, attempt service on Defendant by certified mail.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
October 15, 2007

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